

INTERFERENCE DIGEST

Interference No. 105,500

Paper No.

Name: Michael Brines et al.

Serial No.: 09/547,220

Patent No.

Title: Methods for treating cerebral ischemia by peripherally administered erythropoietin

Filed: 04/11/00

Interference with Ehrenreich et al.

DECISION ON MOTIONS

Administrative Patent Judge, _____ Dated, _____

FINAL DECISION

Board of Patent Appeals and Interferences, _____ Dated, _____

Court, _____ Dated, _____

REMARKS

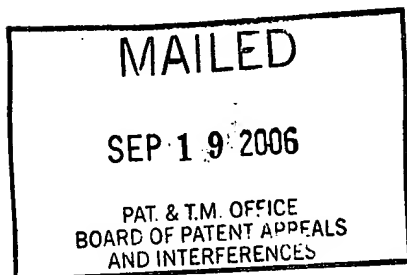
This should be placed in each application or patent involved in interference in addition to the interference letters.



UNITED STATES PATENT AND TRADEMARK OFFICE

DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE
BOARD OF PATENT APPEALS AND INTERFERENCES
BOX INTERFERENCE, WASHINGTON, D.C. 20231

Filed by: Judge James T. Moore
Telephone: 571-272-4683
Facsimile: 571-273-0042



Applicants: BRINES
Application No.: 09/547,220
Filed: 04/11/00
For: Methods for treatment of cerebral ischaemia
by peripherally administered erythropoietin

The above-identified application or patent has been forwarded to the Board of Patent Appeals and Interferences because it is adjudged to interfere with another application or patent. An interference has been declared. The interference is designated as No. 105,500.

Notice is hereby given the parties of the requirement of the law for filing in the Patent and Trademark Office a copy of any agreement "in connection with or in contemplation of the termination of the interference." 35 U.S.C. § 135(c).

/James T. Moore/
JAMES T. MOORE
Administrative Patent Judge

Mail Stop Interference
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Paper 1

Filed 19 September 2006

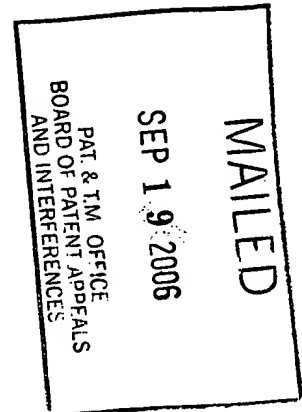
UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES
(Administrative Patent Judge James T. Moore)

Hannelore Ehrenreich
and
Christoph Gleiter
Junior Party
(Application 09/868,089),

v.

Michael Brines, Anthony Cerami,
and
Carla Cerami
Senior Party
(Application 09/547,220)



Patent Interference No. 105,500 (JTM)
(Technology Center 1600)

DECLARATION - Bd.R. 203(b)¹

Part A. Declaration of interference

An interference is declared (35 U.S.C. § 135(a)) between the above-identified parties. Details of the applications and claims designated as corresponding or as not corresponding to the counts appear in Parts E and F of this DECLARATION.

¹ "Bd.R. x" may be used as shorthand for "37 C.F.R. § 41.x". 69 Fed. Reg. 49960, 49961 (12 Aug. 2004).

Part B. Judge managing the interference

Administrative Patent Judge James T. Moore has been designated to manage the interference. Bd. R. 104(a).

Part C. Standing order

A Trial Section STANDING ORDER [SO] (Paper 2) accompanies this DECLARATION. The STANDING ORDER applies to this interference.

Part D. Initial conference call

A telephone conference call to discuss the interference is set for **2:00 p.m. on November 15, 2006** (the Board will initiate the call).

No later than **November 9, 2006**, each party shall file and serve (SO ¶¶ 10.1 & 105) a list of the motions (Bd. R. 120; Bd. R. 204; SO ¶¶ 104.2.1, 120 & 204) the party intends to file.

A sample schedule for taking action during the motion phase appears as Form 2 in the STANDING ORDER. Counsel are encouraged to discuss the schedule prior to the conference call and to agree on dates for taking action. A typical motion period lasts approximately eight (8) months. Counsel should be prepared to justify any request for a shorter or longer period.

Part E. Identification and order of the parties

Junior Party

Named inventors: HANNELORE EHRENREICH, GOTTINGEN, GERMANY
CHRISTOPH GLEITER, TUBINGEN, GERMANY

Involved Application: 09/868,089, filed June 28, 2001

Title: METHOD FOR THE TREATMENT OF CEREBRAL ISCHAEMIA AND USE OF
ERYTHROPOIETIN OR ERYTHROPOIETIN DERIVATIVES FOR THE TREATMENT
OF CEREBRAL ISCHAEMIA

Assignee: None

Senior Party

Named Inventors: MICHAEL BRINES, WOODBRIDGE, CONNECTICUT, USA
ANTHONY CERAMI, NEW YORK, NEW YORK, USA
CARLA CERAMI, SLEEPY HOLLOW, NEW YORK, USA

Involved Application: 09/547,220

Title: METHODS FOR TREATING CEREBRAL ISCHEMIA BY PERIPHERALLY
ADMINISTERED ERYTHROPOIETIN

Assignee: THE KENNETH S. WARREN LABORATORIES
765 OLD SAW MILL RIVER ROAD
TARRYTOWN, NEW YORK 10591

The senior party is assigned exhibit numbers 1001-1999. The junior party is
assigned exhibit numbers 2001-2999. Bd. R. 154(c)(1); SO ¶ 154.2.1. The senior party
is responsible for initiating settlement discussions. SO ¶ 126.1.

Part F. Count and claims of the parties

Count 1

Claim 1 of 09/868,089

or

The method of Claim 28 of 09/547,220 wherein said erythropoietin is administered at a dosage of 50,000 to 100,000 Units per administration or per day,

The claims of the parties are:

EHRENREICH: 1-4, 6-8, and 25-33

BRINES: 28-39 and 52-64

The claims of the parties which correspond to Count 1 are:

EHRENREICH: 1-4, 6-8, and 25-33

BRINES: 28-39 and 52-64

The claims of the parties which do not correspond to Count 1, and therefore are not involved in the interference, are:

EHRENREICH: NONE

BRINES: NONE

The parties are accorded the following benefit for Count 1:

EHRENREICH: NONE (no certified translations)

BRINES: 60/129,131, April 13, 1999

Part G. Heading to be used on papers

The following heading must be used on all papers filed in this interference, see

SO ¶ 106.1.1:

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BEFORE THE BOARD OF PATENT APPEALS
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(Administrative Patent Judge James T. Moore)

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(Application 09/547,220)

Patent Interference No. 105,500 (JTM)
(Technology Center 1600)

PAPER TITLE

Part H. Order form for requesting file copies

When requesting copies of files, use of SO Form 4 will greatly expedite processing of the request. Please attach a copy of Parts E and F of this DECLARATION with a hand-drawn circle around the patents and applications for which a copy of a file wrapper is requested.

/James T. Moore/
Administrative Patent Judge

Enc:

Copy of STANDING ORDER
Copy of claims of application 09/868,089
Copy of claims of application 09/547,220

Revised 3 January 2006

cc (via overnight delivery):

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